

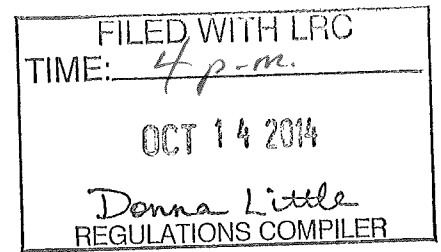
301 KAR 2:144

Fall wild turkey hunting

This administrative regulation establishes the statewide fall hunting seasons, bag limits, equipment restrictions, and hunting methods under which wild turkeys may be taken.

Significant Changes

This amendment clarifies regulatory language with respect to the existing one-bird daily bag limit for turkeys in the fall. In addition, this amendment allows archery and crossbow hunters to harvest all four wild turkeys during any open fall season for turkeys. It also contains modifications to conform to administrative regulation style requirements.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:144. Fall wild turkey hunting.

5 RELATES TO: KRS 150.010, 150.170, 150.175[(1)(*)], 150.305, 150.360, 150.390,
6 150.990[(11)]

7 STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)[, 150.620]

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

9 to promulgate administrative regulations to establish open seasons for the taking of wildlife, to

10 regulate bag limits and methods of take, and to make such requirements apply to a limited area.

11 KRS 150.390(1) prohibits the taking of wild turkeys in any manner contrary to any provisions of

12 KRS Chapter 150 or its administrative regulations. This administrative regulation establishes

13 seasons, bag limits, hunter requirements, and special area restrictions for fall wild turkey hunting

14 [KRS 150.025(1) and 150.390(1) authorize the department to promulgate administrative

15 regulations governing wild turkey hunting. This administrative regulation establishes season

16 dates, shooting hours and other requirements for fall firearm and archery turkey seasons].

17 Section 1. Definitions. (1) "Crossbow" means a bow capable of holding an arrow at full or
18 partial draw without human aid.

19 (2) "Wildlife Management Area" or "WMA" means a tract of land:

20 (a) Controlled by the department through ownership, lease, license, or cooperative agreement;

1 and

2 (b) That has "Wildlife Management Area" or "WMA" as part of its official name.

3 Section 2. Statewide Wild Turkey Season Dates [Seasons and Shooting Hours]. (1) Except as
4 specified in 301 KAR 2:111, a person shall only take wild turkeys during the seasons established
5 in paragraphs (a) through (c) of this subsection:

6 (a) Archery season shall be the first Saturday in September through the third Monday in January;

7 (b) [:

8 (2)] Crossbow season shall be:

9 1. [(a)] From October 1 through the end of the third full weekend in October; and

10 2. [(b)] From the second Saturday in November through December 31; and

11 (c) [:

12 (3)] Firearm season shall be:

13 1. For seven (7) consecutive days beginning the [(a) The] fourth Saturday in October [for seven
14 (7) consecutive days]; and

15 2. For seven (7) consecutive days beginning the [(b) The] first Saturday in December [for seven
16 (7) consecutive days].

17 [(4) A person may take a wild turkey from one-half (1/2) hour before sunrise until one-half (1/2)
18 hour after sunset.]

19 Section 3. [2.] Legal Equipment [Weapons]. (1) A person shall only use legal weapons and
20 ammunition as [Firearms, archery and crossbow equipment shall meet the specifications]
21 established in 301 KAR 2:140[; Section 5].

22 (2) [(4)] Fall archery season. Archery equipment may be used.

23 (3) [(2)] Fall crossbow season. Crossbows and archery equipment may be used.

1 ~~(4)~~ [(3)] Fall firearm season. Archery equipment, crossbows, and firearms may be used.

2 Section 4. Wild Turkey [3-] Bag Limits. (1) A person shall not take more than ~~[a total of]~~ four (4)

3 wild turkeys, no more than two (2) of which shall be taken with a firearm ~~[with a maximum of:~~

4 ~~(a) Two (2) wild turkeys during the fall archery and crossbow seasons; and~~

5 ~~(b) Two (2) wild turkeys during the fall firearm season].~~

6 (2) Only one (1) of the turkeys taken pursuant to subsection (1) of this section shall have a
7 visible beard at least three (3) inches long.

8 ~~(3) A person shall not harvest more than one (1) wild turkey per day.~~

9 ~~[Section 4. Hunter Orange. Wild turkey hunters shall wear hunter orange during the fall firearm~~
10 ~~deer season as established in 301 KAR 2:172, Section 4.]~~

11 Section 5. Hunter Restrictions. (1) ~~[Use of Dogs.]~~ Dogs may be used to aid in taking wild turkeys
12 during any fall season.

13 ~~(2) A person may take a wild turkey from one-half (1/2) hour before sunrise until one-half (1/2)~~
14 ~~hour after sunset.~~

15 ~~(3) A person hunting wild turkeys in the fall shall comply with all license, permit, and check-in~~
16 ~~requirements established in 301 KAR 2:140 [turkey].~~

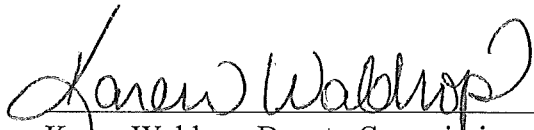
17 Section 6. Wildlife Management Areas. Unless specified below, Wildlife Management Areas
18 shall be open to fall wild turkey hunting under the statewide requirements specified in Sections 2
19 through 6 ~~[1 through 4]~~ of this administrative regulation and 301 KAR 2:140.

20 (1) Ballard Wildlife Management Area. A person shall not hunt wild turkeys during the fall
21 firearm, crossbow, or archery season.

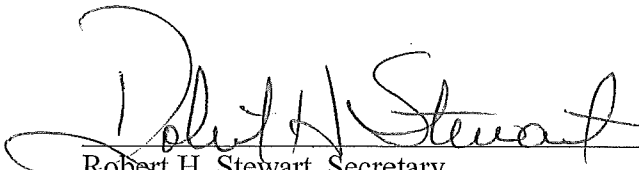
22 (2) Barren River Wildlife Management Area. On the Peninsula Unit, including Narrows, Goose
23 and Grass Islands, a person:

- 1 (a) Shall not hunt during the fall firearm season with a breech-loading firearm;
- 2 (b) May use a muzzleloading shotgun [~~muzzleloader~~] or crossbow during the fall firearm season;
- 3 and
- 4 (c) May use a crossbow during the fall archery season.
- 5 (3) Higginson-Henry Wildlife Management Area. A person shall not use [~~or possess~~] a firearm
- 6 while turkey hunting.
- 7 (4) Pioneer Weapons Area. A person may use a crossbow during the fall archery turkey season.
- 8 (5) Main block of Robinson Forest. A person shall not hunt wild turkeys during the fall firearm,
- 9 crossbow, or archery season except persons participating in a department-authorized hunt.
- 10 (6) Swan Lake Unit of Boatwright Wildlife Management Area. A person shall not hunt wild
- 11 turkeys during the fall firearm, crossbow, or archery season.

Approved by the Fish and Wildlife Commission



Karen Waldrop, Deputy Commissioner, for
Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Robert H. Stewart, Secretary
Tourism, Arts and Heritage Cabinet

10/13/14
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2014, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made available unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by close of business December 1, 2014.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Kentucky Department of Fish and Wildlife Resources
1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-7109, Ext. 4507 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:144. Fall wild turkey hunting.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the statewide fall hunting seasons, bag limits, equipment restrictions, and hunting methods under which wild turkeys may be taken.

(b) The necessity of this administrative regulation: To establish a fall turkey season to further manage and conserve the wild turkey population in Kentucky while allowing reasonable hunting opportunity.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of wild turkeys in any manner contrary to any provisions of Chapter 150 or its regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining fall seasons, bag limits, and methods of take used to manage wild turkeys in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment clarifies regulatory language with respect to the existing 1-bird daily bag limit for turkeys in the fall. In addition, this amendment allows archery and crossbow hunters to harvest all four (4) wild turkeys during any open fall season for turkeys. It also contains modifications to conform with administrative regulation style requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to maximize hunter opportunity without negatively affecting the wild turkey resource.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue wild turkeys will be affected by this regulatory amendment. In 2013, there were 2,486 Fall Turkey Permits sold in Kentucky. There were an additional 66,239 Sportsman Licenses sold in 2013; those also allow the take of wild turkeys in the fall.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Archery and crossbow hunters

would be permitted to harvest the 4-bird season bag limit during any open season in the fall, including the fall firearm season. Current restrictions require two (2) birds to be harvested during the fall firearm season for turkeys.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no direct cost to hunters as a result of this amendment to the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The turkey hunters of the Commonwealth will be affected positively, as additional hunter opportunity will be allowed.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees established or increased.

(9) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not used because all persons who hunt wild turkeys are required to be in compliance.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:144
Contact Person: Rose Mack
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.390(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is not likely that this amendment will increase revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is not likely that this amendment will increase revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional administrative cost incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-): None.

Other Explanation: